

relax and share their talents with the university and the Bowling Green community. They have certainly earned the chance to celebrate and showcase their work.

Congratulations to the students and coach Judy Woodring of the Western Kentucky University forensics team. Their dedicated work and achievements has brought them and their university recognition and pride.

A BILL TO ENSURE THAT THE IRS ACCURATELY ACCOUNT FOR FICA TAXES PAID BY EMPLOYERS ON EMPLOYEE'S TIP INCOME

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. HERGER. Mr. Speaker, I rise today with my colleague from Tennessee, Mr. TANNER, to introduce the Tip Tax Fairness Act, a bill to require the Internal Revenue Service (IRS) to accurately account for FICA taxes paid by employers on employee's tip income.

As we all know, many employees in the service sector of the business community earn a substantial portion of their income from tips. Recognizing this, Congress passed legislation years ago requiring employers and employees to pay FICA payroll taxes on tip income. This ensures that an employee's total earnings are reflected in their Social Security wage history, which determines the employee's Social Security benefits upon retirement.

In the IRS's effort to collect the FICA taxes they believe is owed on unreported tips, the agency has created an aggregate method for assessing employers which is inconsistent with congressional intent. Congress did not intend FICA taxes to be paid on an aggregate basis, because earnings subject to FICA taxes are intended to be credited to an employee's Social Security wage history.

Under current law, employees are required to report all of their tips to their employer. The employer is required to send this information to the IRS, along with the employer and employee share of the FICA taxes owed. If the IRS believes the amount of tip income reported is not accurate the agency will audit the employer, bill the employer using an aggregate estimate, and collect the employer's portion of the FICA taxes. However, the agency does not credit the employee's Social Security wage history. By not doing so, the agency is disregarding one of the reasons Congress required employers to pay FICA taxes on tips.

Furthermore, this lack of accounting on the part of the IRS, and the use of aggregate estimates, creates a dramatic shift in the burden of tax collection. Under this method, it is the employer who must determine if there was underreporting of income, not the IRS, and the employer who must disprove an inaccurate assessment. Many service providers have expressed concerns that this shift in burden pits the employer against their own employees, effectively turning them into "tip police."

The bill Mr. TANNER and I are introducing today is a solution that we believe employees and employers can support. Simply stated,

this legislation requires the IRS to ensure that assessments paid by employers, for FICA taxes owed on unreported tips, are credited to each affected employee's Social Security wage history. As such, this measure requires the IRS to use FICA taxes as Congress intended.

Mr. Speaker, I urge my colleagues to support this worthy legislation.

CHRIS KELLERMAN, A RECIPIENT OF THE BRONZE STAR

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Ms. GINNY BROWN-WAITE. Mr. Speaker, I rise today to honor Chris Kellerman, a veteran of the Vietnam War who has been awarded the Bronze Star in recognition of his bravery and notorious achievement during ground operations against hostile forces in the Republic of Vietnam.

The Bronze Star Medal was established by Executive Order in 1944 and is awarded to any person who, while serving in any capacity with the Army of the United States, distinguishes himself or herself by heroic or meritorious achievement or service.

Staff Sergeant Kellerman earned his medal by venturing into unknown territory and taking a risk that he did not have to take, possibly saving the lives of several of his fellow soldiers.

A testament to his dedication to our Armed Forces and his drive to always succeed, Staff Sergeant Kellerman achieved his rank in the Army in record time, rising to his position of leadership in two years time.

During his service in Vietnam from January 1968 through March 1969, his heroism was undeniable, as his acts of bravery during battle earned him not only the respect of his comrades and military honors.

Staff Sergeant Keller proved his dedication to his country and was honored only recently by the Defense Department with the medal he earned. I am proud to be able to honor him today on the floor of this body and am proud to call Staff Sergeant Kellerman a constituent and, Mr. Speaker, I ask you to join me in thanking him for his service to this country.

CELEBRATING THE 380TH ANNIVERSARY OF THE AVEDIS ZILDJIAN CYMBAL COMPANY

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2003

Mr. DELAHUNT. Mr. Speaker, it is with enormous pride that I rise today in tribute to the Zildjian family of Massachusetts, whom we join today in marking an anniversary of an American success story. The Zildjian cymbal sets a standard for excellence—with skill, perseverance and devotion to family, employees and the community.

They arrived on our shores with an idea and a dream, and worked hard and smart to fulfill

it. Now musicians around the world—from symphony percussionists to R&B drummers—swear by K/Z HiHats and Remixes and enrich the quality of our lives every day through the gift of music. On Friday of this week, May 9, a variety of friends and admirers will gather at the company offices in the town of Norwell, Massachusetts, to celebrate the 380th anniversary of the Avedis Zildjian Cymbal Company.

Zildjian Cymbals is the oldest, continuously owned family business in the United States—now in its 74th year of operation. However, the firm has a history going back almost four centuries. Zildjian was originally founded by Avedis I, an alchemist and subject of the Ottoman Empire living in Constantinople in 1623. He created a process—still a Zildjian trademark—to treat metal alloys to create cymbals of superior clarity and quality. As a result of his discovery, he was given the title "Zildjian" or Cymbalsmith by the Sultan.

After three centuries of manufacturing cymbals in Constantinople, the family business relocated to Quincy, Massachusetts, largely at the behest of Avedis Zildjian III, who had immigrated to the United States in 1909 and went into business for himself. When it came time for him to take over the family business in Turkey, Avedis pushed for America as the company's home. Although the foundry's establishment coincided with the beginning of the Great Depression, devotion of the family and from some of the great musicians of his day, helped Avedis persevere. Eventually, the company flourished.

In 1972, Zildjian opened a new manufacturing facility in Norwell, Massachusetts where an untold number of cymbals have been created by more than 100 dedicated employees and sold to musicians in every genre in dozens of countries around the world. After handing over the reigns of the company in 1977 to his son, Armand, Avedis Zildjian passed away in 1979. Under Armand's leadership, Zildjian continued its leadership in the production of high quality cymbals and opened a drumstick factory in Alabama. In 1995, Zildjian became the first Percussion Company to obtain the ISO 9001 Quality Certification, a standard recognized around the globe for facilities that meet and exceed rigorous quality standards.

In 1999, yet another milestone was reached, as Armand Zildjian appointed his daughter, Craigie, to be the Chief Executive Officer, the first woman to hold that distinction since the entity's inception in 1623. With the passing of Armand Zildjian in 2002, Craigie Zildjian is poised to continue the Zildjian name brand and tradition of superior workmanship into the decades to come.

On May 9, 2003, a host of well wishers will join the entire Zildjian community and gather at the company headquarters to commemorate Zildjian's contribution to our universal heritage, our region's economy, the lives and livelihoods of its employees and the entrepreneurial spirit reflected in the evolution of this fine corporation. The festivities would doubtless have made Avedis Zildjian proud. And it is with equal pleasure that I enter this tribute into the CONGRESSIONAL RECORD so that this milestone is officially recognized and recorded in the official history of the United States of America.